IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 27935 of 2007(A)

ST.20/2006 of C.J.M.,MANJERI
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PETITIONER:

ABDUL HAMEED, AGED 35 YEARS,
S/O. PARIYAKUTTY, CHALIYATHARAKKAL HOUSE,
PERAKAMANNA, P.O. EDAVANNA, MALAPPURAM.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)
SRI.MANJERI SUBIN SUNDER RAJ

RESPONDENTS:
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1. CHELLAMUTHU, AGED 50 YEARS,
S/O. RAMASWAMY, STAR HOUSE, ACHIPILAKKAL,
KARUVAMBRAM P.O., MANJERI.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY Government Pleader ADV.SRI.JAI GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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W.P.(C).No.27935 of 2007

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Dated this the 19th day of September, 2007

JUDGMENT

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. He has preferred appeal. Sentence has been suspended. It is for the petitioner to appear before the learned Magistrate and offer execution of bond to avoid execution of sentence.

2. The petitioner apprehends that if he appears before the learned Chief Judicial Magistrate he will not be permitted to execute bond and would be remanded to custody. There is specific order of suspension passed by the learned Sessions Judge. I have no reason at all to assume that the direction of the learned Sessions Judge will not be implicitly complied with the learned Chief Judicial Magistrate. I am satisfied that no further specific direction is necessary. It is for the petitioner to appear before the learned Magistrate and offer to execute bond in compliance with the terms of the order of suspension passed by the learned Sessions Judge.

No further directions are necessary in this writ petition. Hence this writ petition is dismissed with the above observations.

(R.BASANT, JUDGE)

sj